

**FILED**

JUN 16 2006

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

SUN PACIFIC FARMING ) No. CV-F-01-6102 REC/DLB  
COOPERATIVE, INC., )  
)  
)  
)  
Plaintiff, ) JUDGMENT  
)  
vs. )  
)  
)  
SUN WORLD INTERNATIONAL, )  
)  
)  
Defendant. )  
)  
)  
SUN WORLD INTERNATIONAL, INC., )  
)  
)  
Counter-Claimant, )  
)  
)  
vs. )  
)  
SUN PACIFIC FARMING )  
COOPERATIVE, INC., SUN )  
PACIFIC FARMING CO, BERNIE )  
H. EVANS III and RICHARD )  
PETERS, )  
Counter-Defendants. )  
)  
)

Pursuant to the Findings of Fact and Conclusions of Law  
filed herein, the court directs entry of judgment in favor of

1 defendant/counter-claimant Sun World International, Inc. and  
2 against plaintiff Sun Pacific Farming Cooperative, Inc and  
3 counter-defendants Sun Pacific Farming Cooperative, Inc., Sun  
4 Pacific Farming Co., Bernie H. Evans III and Richard Peters on  
5 Sun World's first claim for relief for conversion, its third  
6 claim for relief for intentional misrepresentation, and its ninth  
7 claim for relief for declaratory judgment:

8           1. Counter-defendants, and each of them, and their  
9 agents, servants, and employees, and all persons acting under any  
10 license or sub-license agreement with them or for them are  
11 permanently enjoined from converting, propagating, growing,  
12 selling, licensing, distributing, using in any plant breeding  
13 program, farming activity or otherwise marketing or exporting  
14 Sugarone grapevines, Sugarone vines, Sugarone cuttings and  
15 Sugarone derivatives or progeny derived from those cuttings taken  
16 by Richard Peters from the Mecca ranch in 1972 (Sugarone  
17 Materials) and from holding themselves out as the lawful owner of  
18 these Sugarone Materials and are ordered to return to Sun World  
19 all Sugarone Materials and any records, charts, formulas, or  
20 propagating material related to the Sugarone variety in counter-  
21 defendant's possession or control derived from the Sugarone  
22 Materials or, at Sun World's election, to destroy all such  
23 Sugarone Materials under the supervision and observation of a  
24 representative of Sun World, within 60 days of entry of judgment.

25           2. Pay to Sun World \$8,064.00 in compensatory damages.  
26           3. Pay to Sun World \$250,000.00 in punitive damages.

1           4. Pay to Sun World \$27,684.03 in costs.

2           5. The court declares that Sun World has legal title  
3 to all Sugarone Materials in counter-defendants' possession,  
4 custody, or control as of the date of entry of judgment.

5           6. The court declares that counter-defendants have no  
6 lawful right to possess, control, propagate, market, develop, or  
7 transfer Sugarone Materials, that Sun World holds all right,  
8 title and interest in the Sugarone Materials, that counter-  
9 defendants have no lawful right to hold themselves out as lawful  
10 owners or sellers of the Sugarone Materials, that counter-  
11 defendants shall provide to Sun World a complete accounting of  
12 all Sugarone Materials in the possession, custody or control of  
13 counter-defendants or any of them within 60 days of entry of  
14 judgment.

15           Dated: June 16, 2006

16           \_\_\_\_\_  
17           ROBERT E. COYLE  
18           UNITED STATES DISTRICT JUDGE  
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